IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

W.P(C).No. 4374 of 2007(U)

PETITIONER:

HOSDURG TALUK BUS OWNERS ASSOCIATION,
CHERUVATHUR UNIT, JANATHA BUILDING, CHERUVATHUR,
REP. BY ITS PRESIDENT C.H.MUTHALAB.

BY ADV. SMT.R.PADMAKUMARI

RESPONDENTS:

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1. REGIONAL TRANSPORT AUTHORITY,
KASARAGOD.

2. SECRETARY,
R.T.A., KASARAGOD.

3. R.T.A., KANNUR.

4. SECRETARY, R.T.A., KANNUR.

BY GOVERNMENT PLEADER SMT.N.SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

WP(C).No.4374 of 2007-U

Dated this the 8th day of February, 2007.

JUDGMENT

The petitioner is Hosdurg Taluk Bus Owners Association. They are aggrieved by the indiscriminate grant of fresh permits on the route Trikaripur-Padanna-Madakkara. According to them, the road is in a very bad condition and the route is already well serviced. Any additional grant of permit will affect the safety of the passengers and the workers. Therefore, they pray that fresh application for permit on the said route may be rejected. But, in view of the scheme of the Motor Vehicles Act, 1988, as explained in Mithilesh Gar Vs. Union of India (AIR 1992 SC 443) the above prayer cannot be allowed by the R.T.A. The R.T.A. is bound to grant permits, if a valid application for the same is made. The existing operators can only complain about the time schedule granted to a new permit, if the same affects the time schedule of any of the existing operators. So, in the absence of any legal right and a corresponding duty on the respondents, this court cannot grant the reliefs contained in the afore-mentioned prayers.

Accordingly, the writ petition is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS